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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

MDL No: 2913

This Document Relates to:

All Opt-Out Plaintiffs

STIPULATION WITH [PROPOSED] ORDER
TO LIFT THE STAY ON DISCOVERY FOR
THE LIMITED PURPOSE OF SERVING
SUBPOENAS FOR RECORDS

1 The parties, by and through undersigned counsel, hereby stipulate as follows:

2 WHEREAS: On January 30, 2023, this Court entered CMO No. 17 which governs all ongoing
3 litigation by Plaintiffs who elected not to participate in the Settlement Program in this multi-district
4 litigation. (MDL Doc. 3780).

5 WHEREAS: CMO No. 17 states that “all proceedings involving Litigating Plaintiffs and New
6 Plaintiffs are hereby stayed as to Settling Defendants. This stay shall remain in effect until it is lifted.”
7 *Id.* at 6.

8 WHEREAS: there 11 cases in the MDL where personal injury plaintiffs opted out of the
9 settlement with JLI (“JLI PI opt-outs”). The JLI PI opt-outs have produced documents in connection
10 with CMO No. 17. Though all medical providers and other relevant third parties have been sent
11 preservation notices and requests for records, these plaintiffs have not been able to procure and
12 produce all records required by CMO No. 17. Accordingly, counsel for these opt-outs intend to
13 pursue those records via limited subpoenas.
14

15 WHEREAS: counsel for the JLI PI opt-outs and counsel for JLI met and conferred about
16 lifting the stay for the sole purpose of subpoenaing relevant records as required by CMO No. 17.
17 Counsel for JLI has agreed to this relief, and therefore consent to an order lifting the stay for the
18 limited purpose of serving subpoenas for the collection of records that are required to be retrieved
19 pursuant to CMO No. 17.
20

21 The parties therefore respectfully request that the Court enter an Order granting said relief.

22 DATED: October 27, 2023

Respectfully submitted,

23 /s/ Jeffrey L. Haberman

24 Scott P. Schlesinger (*pro hac vice*)

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Jeffrey L. Haberman (*pro hac vice*)

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All Opt-Out Plaintiffs

[PROPOSED] ORDER TO LIFT THE STAY
ON DISCOVERY FOR THE LIMITED
PURPOSE OF SERVING SUBPOENAS FOR
RECORDS

The Court hereby adopts the parties' stipulations. The stay implemented by Case Management Order No. 17 shall be lifted for the limited purpose of serving subpoenas for the collection of records that are required to be retrieved pursuant to CMO No. 17. Any party may serve a subpoena to collect the records of a third party that a plaintiff has identified and sent a preservation notice.

Date: October ____, 2023

Honorable William H. Orrick
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2023, I served a copy of the foregoing on the Clerk of Court by CM/ECF, which will provide automatic notification to all parties and counsel of record.

By: /s/ Jeffrey L. Haberman
Jeffrey L. Haberman